

10-17-07

fw

PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/617,489	
	Filing Date	July 10, 2003	
	First Named Inventor	Thomas L. CANTOR	
	Art Unit	1641	
	Examiner Name	C. Cheu	
Total Number of Pages in This Submission	7	Attorney Docket Number	532212000623

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	PTO/SB/08a/b Form (1 page, plus duplicate)
<input checked="" type="checkbox"/> Information Disclosure Statement (4 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	References (21)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Return Receipt Postcard
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<b>Remarks</b>  <b>CUSTOMER NO. 25225</b>	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Peng Chen		
Date	October 15, 2007	Reg. No.	43,543

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814073132 US, on the date shown below in an envelope addressed to:  
MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 15, 2007

Signature: (Diane Blevins)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814073132 US, on the date shown below in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

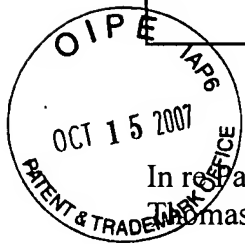
Dated: October 15, 2007

Signature: 

(Diane Blevins)

Patent

Docket No. 532212000623



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Thomas L. CANTOR

Serial No.: 10/617,489

Filing Date: July 10, 2003

For: METHODS, KITS AND ANTIBODIES  
FOR DETECTING PARATHYROID  
HORMONE

Examiner: C. Cheu

Group Art Unit: 1641

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The documents set forth on the enclosed Form PTO/SB/08a/b have not been submitted or cited in the present application. It is understood that the Office is under no obligation to consider these documents at this time; however, to complete the record they are submitted. Copies of the documents are enclosed. Applicants believe that the documents are in no way destructive of patentability of the allowed claims.

The document numbers 1-6 on the enclosed Form PTO/SB/08a/b are from Patent Interference No. 105,575 (MPT), between 10/641,780 and U.S. Patent No. 6,838,264. Application No. 10/641,780 is related to the present application. In document number 6, Zahradnik List of Motions, Zahradnik alleges that the allowed claims of application number 10/641,780 are invalid and unenforceable.

sd-395277

Applicants point out that a prior art reference, Wood Ann. Clin. Biochem., 29, 11-21 (1992), was submitted as part of the "Opposition Documents against JP Patent No. 3457004, Opposition No. 2003-73801, dated December 29, 2003," as document No. 61 submitted in the May 10, 2005 Supplemental IDS in connection with the present application. Applicants also stated, in the May 10, 2005 Supplemental IDS, that "Scantibodies initiated an invalidation proceeding against JP Patent No. 3457004, the Japanese counterpart of the '790 patent. Document Nos. 61-65 in the present Form PTO/SB/08a/b are papers from the invalidation proceeding." The Examiner of the present application considered document No. 61 submitted in the May 10, 2005 Supplemental IDS and made it of record in the present application, initialed on August 8, 2005 and returned with the Office Action on December 5, 2005.

Applicants point out that the Final Office Action from the reexamination of U.S. Patent No. 6,689,566 was submitted as document No. 24 in the November 2, 2006 Supplemental IDS in connection with the present application. Applicants also stated, in the November 2, 2006 Supplemental IDS, that "Document number 24 is the Final Office Action from the reexamination of U.S. Patent No. 6,689,566." The Examiner of the present application considered document No. 24 submitted in the November 2, 2006 Supplemental IDS and made it of record in the present application, initialed on November 20, 2006 and returned with the Notice of Allowance on January 4, 2007.

Document number 19 was submitted by the Patent Owner in an EP Opposition proceeding against EP Patent No. 0 783 522. The following documents were cited in document number 19:

- Declaration of Hans H. Linden (D22) (cited herewith as document number 20 on the attached Form PTO/SB/08a/b).
- Concession Report for 1994 of the Dutch Mailing Service KPN (D23) (cited herewith as document number 21 on the attached Form PTO/SB/08a/b).
- TAM et al., PNAS USA (1988) 85(15):5409-5413 (D24) (cited herewith as document number 17 on the attached Form PTO/SB/08a/b).

- ADERMANN et al., "Aspects of Synthesis and Analysis of Multiple Antigen Peptides", Innovations and Perspectives in Solid Phase Synthesis, Epton (ed.), Mayflower World Wide, Birmingham: 429-432 (D25).
- WO 91/06564 (D26a).
- US Patent No. 5,744,444 (D26b).
- TAKANO et al., Acta Endocrinologica (1988) 118:551-558 (D27) (cited herewith as document number 16 on the attached Form PTO/SB/08a/b).
- RABBANI et al., J. Biol. Chem. (1984) 259(5):2949-2955 (D28).
- Decision 06-1087 of the United States Court of Appeals for the Federal Circuit (D29).

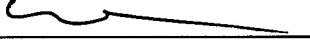
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other

fees due in connection with the filing of this document to **Deposit Account No. 03-1952**  
referencing 532212000623.

Dated: October 15, 2007

Respectfully submitted,

By   
Peng Chen

Registration No.: 43,543  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive, Suite 100  
San Diego, California 92130-2040  
(858) 720-5117